

PTO 1390 Page 1 of 1

US Dept. of Commerce Pat. & Trademark Office

Attorney's Docket No.

23117

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 USC 371**

US. Application No. (if known)

10/524043

INTERNATIONAL APP. NO.

PCT/EP2003/008359

INTERNATIONAL FILING DATE

29 July 2003

PRIORITY DATE CLAIMED

7 August 2002

TITLE OF INVENTION

VACCINIA VIRUS HOST RANGE GENES TO INCREASE THE TITER OF AVIPOXVIRUSES

APPLICANT(S) FOR DO/EO/US

Paul HOWLEY et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EU/US) the following .

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☐ This is an express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 317(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 USC 371(c)(2)).
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau.
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Patent Office.
6. ☐ A translation of the International application into English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau.
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3).
9. ☒ An oath or declaration of the inventor(s) (35 USC 371(c)(4).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11. to 16. below concern documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An Assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
 ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items of information.
 - Drawing (7 sheets)
 - References
 - PTO-1449

US Application no (if known) 10/524043	International Application no. PCT/EP2003/008359	Attorney's Docket No. 23117
--	---	---------------------------------------

17. The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search report has been prepared by the EPO or JP \$950.00 Int'l prel. exam./ fee paid to USPTO (37 CFR 1.482) \$750.00 No int'l prel. exam. fee paid to USPTO (37 CFR 1.482) but int'l search fee paid to USPTO (37 CFR 1.445(a)(2)) \$790.00 Neither int'l prel. exam fee (37 CFR 1.482) nor int'l search fee (37 CFR 1.455(a)(2)) paid to USPTO \$1000.00 Intl. prel. exam. fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Art. 33(2-4) \$200.00 ENTER APPROPRIATE BASIC FEE AMOUNT				CALCULATIONS - PTO USE ONLY NOT RECD PCT/PT 04 FEB 2005	
Surcharge of \$130.00 for furnishing oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NO. FILED	NO. EXTRA	RATE		
Total claims	28	8	\$50	\$400	
Ind. claims	0	0	\$200	\$0	
MULTIPLE DEP. CLAIM(S) (if applicable) (see prel. amt.)			360	\$360.00	
TOTAL OF ABOVE CALCULATIONS				\$1,760	
Reduction of 1/4 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (37 CFR 1.2, 1.27, 1.28)				\$0	
SUBTOTAL				\$1,760	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE				\$1,760	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The Assignment may be accompanied by an appropriate PTO-1595 cover sheet (37 CFR 3.28, 3.39)				\$40	
TOTAL FEES ENCLOSED				\$1,800	
				Amt to be refunded	
				Amt to be charged	

- a. ☐ A check in the amount of \$1760 to cover the above fees is enclosed
 b. ☐ Please charge my deposit account 18-2025 \$00.00 to cover the above fees. A copy of this sheet is enclosed.
 c. ☒ Please charge the amount due to the credit card identified in the attached PTO-2038.
 d. ☒ The commissioner is authorized to charge any additional fees which may be required or credit any overpayment to deposit account 18-2025. A copy of this sheet is enclosed
 e. ☒ A PTO-2038 in the amount of \$40 to cover recordal of the Assignment is enclosed

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:

The Firm of Karl F. Ross P.C.
5676 Riverdale Ave. Box 900
Riverdale (Bronx), NY 10471


 Herbert Dubno, Reg. No. 19,752

23117

100524043

EP01 Ross PCT/PTC 04 FEB 2005

**CERTIFICATE OF EXPRESS MAIL
FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, or as Express Mail if the number of the Express Mail mailing label is provided below, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on **FEB - 4 2005** (Date of Deposit)

EV467342100
Express Mail Label Number

Signature
The Firm of Karl F. Ross, P.C.

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor **Paul HOWLEY et al**
Patent App. **Not known (US Nat'l phase of**
PCT/EP2003/008359)
Filed **Concurrently herewith**
For **VACCINIA VIRUS HOST RANGE GENES TO INCREASE THE
TITER OF AVIPOXVIRUSES**

Hon. Commissioner of Patents
Box 1450 Alexandria, VA 22313-1450

RECORD OF TRANSMITTAL--PCT APPLICATION

<input checked="" type="checkbox"/>	PCT Transmittal	
<input checked="" type="checkbox"/>	PCT Application IN ENGLISH	
<input type="checkbox"/>	Translation	
<input checked="" type="checkbox"/>	Sheets of Drawing (7)	
<input checked="" type="checkbox"/>	PCT Declaration	
<input checked="" type="checkbox"/>	PCT Documents	
<input checked="" type="checkbox"/>	International Search Report	
<input checked="" type="checkbox"/>	Preliminary Amendment	
<input checked="" type="checkbox"/>	Assignment (with PTO-1595 and sep. PTO-2038)	
<input checked="" type="checkbox"/>	Reference(s) with PTO-1449	
SEQUENCE LISTING	
<input checked="" type="checkbox"/>	PTO-2038 for Official Fees	
<input checked="" type="checkbox"/>	Basic Fee (Large Entity)	\$1000.00
<input type="checkbox"/>	Ind. claims in excess of 3	\$00.00
<input checked="" type="checkbox"/>	8 claims in excess of 20	\$400.00
<input checked="" type="checkbox"/>	Multiply dependent claim(s) present	\$360.00
	Total	\$1760.00

Please charge any fees not covered by an enclosed PTO-2038 to account 18-2025 of the undersigned.

4 February 2005

5676 Riverdale Ave. Box 900
Bronx, NY 10471-0900
Tel: (718) 884-6600
Fax: (718) 601-1099
Customer No. 535

Respectfully submitted,
The Firm of Karl F. Ross P.C.

Herb Dubno
Herbert Dubno, Reg. 19,752